

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN VANFOSSAN,

Plaintiff,

v.

ARNEL DELOS SANTOS, et al.,

Defendants.

Case No. 1:20-cv-00173-DAD-EPG

ORDER GRANTING DEFENDANTS'  
MOTION TO MODIFY THE DEADLINE  
FOR FILING A SUMMARY JUDGMENT  
MOTION REGARDING EXHAUSTION

(ECF No. 51)

On September 13, 2021, Defendants De Los Santos, Gonzales, Robles, Huerta, Alkire, Cruz, Amaya and Lewandowski moved the Court to modify the current scheduling order and extend the deadline for filing motions for summary judgment on the issue of exhaustion by one day. (ECF No. 51). Defense counsel provided a declaration stating that, although the Defendants' motion for summary judgment was completed by the September 10, 2021 deadline for motions for summary judgment challenging exhaustion, counsel was unable to file the motion in CM/ECF until September 11, 2021, due to server maintenance on defense counsel's computer system. (*Id.* at 4, *see* ECF No. 48). Defendants ask that the Court modify the schedule to extend the deadline for filing motions for summary judgment challenging exhaustion to September 11, 2021.

1 Good cause having been shown, IT IS ORDERED that Defendants' motion (ECF No. 51) is  
2 granted, and the motion for summary judgment filed on September 11, 2021, is deemed timely  
3 filed.

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5 IT IS SO ORDERED.

6 Dated: September 14, 2021

7 /s/ Eric P. Grogan  
8 UNITED STATES MAGISTRATE JUDGE  
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